

1 THE HONORABLE TIMOTHY A. BRADSHAW

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5  
6 SUPERIOR COURT OF THE STATE OF WASHINGTON  
7 IN AND FOR KING COUNTY

8  
9 In Re Recall of Seattle City Council President  
10 Bruce Harrell

NO. 18-2-14928-8 SEA

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13 **PETITION FOR RECALL OF  
SEATTLE CITY COUNCIL  
PRESIDENT BRUCE HARRELL**

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**I. INTRODUCTION**

In accord with RCW Chapter 29A.56, the undersigned Petitioner submits this petition for the recall of Seattle City Council President Bruce Harrel. Based upon the Council President Harrel's repeated violations of the Open Public Meetings Act, this recall petition should be approved. By law, the sitting City Council members are obligated to adhere to the OPMA's training requirements. *See* RCW 42.30.205 (mandating OPMA training for elected officials).<sup>1</sup> The City's own slides indicate that "secret ballots" are "not allowed":

\_\_\_\_\_  
<sup>1</sup> RCW 42.30.205

Training.

(1) Every member of the governing body of a public agency must complete training on the requirements of this chapter no later than ninety days after the date the member either:

(a) Takes the oath of office, if the member is required to take an oath of office to assume his or her duties as a public official; or

(b) Otherwise assumes his or her duties as a public official.

## Final Action

- **"Final action"** is a collective positive or negative decision, or an actual vote, by a majority of the governing body, or by the "committee thereof"
- Must be taken in public, even if deliberations were in closed session
- Secret ballots are not allowed

~ RCW 42.30.060, RCW 42.30.020



[ 13 ]

The City's own training slides delineate that they should not even chat about public business during a mutual car ride together:

## Travel and Gathering

- A majority of the members of a governing body may travel together or gather for purposes other than a regular meeting or a special meeting, so long as no action is taken.
- Discussion or consideration of official business would be action, triggering the requirements of the OPMA.

~ RCW 42.30.070

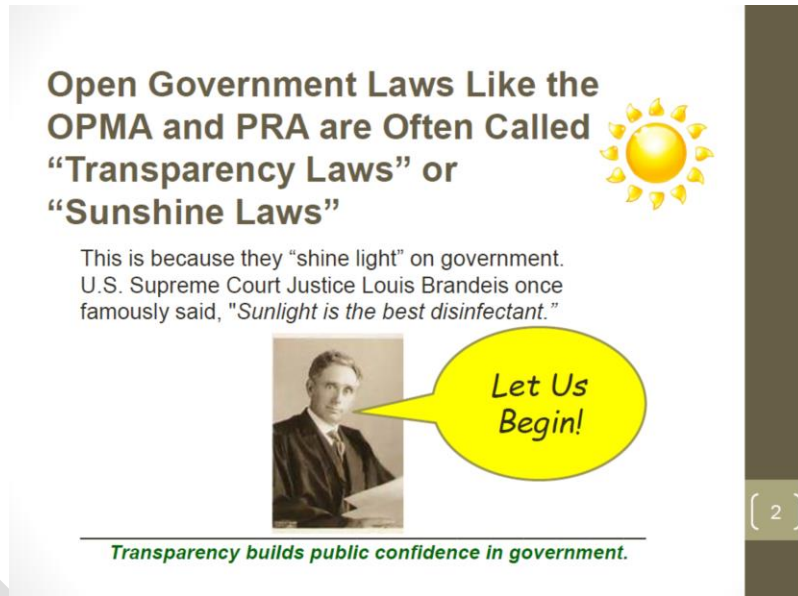


[ 14 ]

(2) In addition to the training required under subsection (1) of this section, every member of the governing body of a public agency must complete training at intervals of no more than four years as long as the individual is a member of the governing body or public agency.

(3) Training may be completed remotely with technology including but not limited to internet-based training.

1 The purpose of the law, according to the City's training slides, is to serve as a the "best  
2 disinfectant", for the benefit of the public:



13 In violation of these principles, on April 10, 2017, Council President Harrell offered the  
14 following statement on behalf of the entire City Council:

15 *"My Council colleagues and I have no intention of commenting on matters of*  
16 *pending or potential litigation. We believe that it is critically important that,*  
17 *together, we remain committed to the business of governing.*

18 *"All City employees and City departments are focused on our core*  
19 *responsibilities of customer service, affordable housing, homelessness, public*  
20 *safety, transportation, education, and ensuring equality for all in a great, but*  
21 *rapidly growing city. The work before us is too critical for the future of Seattle*  
22 *and its residents. We intend to continue working with unwavering dedication to*  
23 *serving the people who put their faith in us.*

24 *"Our city cannot afford to be distracted. There is a judicial process that will*  
25 *address the serious allegations that this situation has presented, and we will*  
26 *respect that process and the rights of all parties involved. All accusations of*  
*abuse require a thorough investigation. It is in our human nature to immediately*  
*want answers, but I ask we not cast aspersions to the parties involved before we*  
*have all the facts through the legal process. I am confident that through this*  
*process, truth and justice will prevail.*

*"It is worth repeating we are steadfast and focused on serving the people of*  
*Seattle. Council has a strong committee structure that works with the city's 40*

1 *departments in upholding our City Charter 'of protecting and enhancing the*  
2 *health, safety, environment, and general welfare of the people; to enable*  
3 *municipal government to provide services and meet the needs of the people*  
4 *efficiently; to allow fair and equitable participation of all persons in the affairs*  
5 *of the City; to provide for **transparency**, accountability, and ethics in*  
6 *governance and civil service; to foster fiscal responsibility; to promote*  
7 *prosperity and to meet the broad needs for a healthy, growing City.'"*

8 During the open meeting that occurred on April 17, 2017, there was no deliberation about  
9 Councilmember Harrell's statement.<sup>2</sup> In contradiction of Council President Harrell's related  
10 sworn statement, on video, he admitted that he had spoken with other councilmembers about  
11 the statement, and the statement was representative of the other councilmembers' decision.<sup>3</sup>

12 The evidence of record further establishes that the City Council, by and through  
13 Councilmember Bruce Harrell, predetermined that they were going to stay silent in relation to  
14 the childhood sex abuse allegations related to the former Mayor, Ed Murray. Council President  
15 Harrell communicated with other council-members about the Murray lawsuit over the weekend  
16 (April 8-9, 2017) after it was filed:

17 

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**From:** Robinson Slote, Dana  
**Sent:** Sunday, April 9, 2017 9:14 PM PDT  
**To:** Tang, Vinh  
**CC:** Racca, Jeremy; Samuels, Jennifer; Nolte, Dan; Peha, Joseph  
**Subject:** Statement -- as discussed

18 I traded msgs with BH and sent a draft statement as requested.

19 I suggest we prepared to issue before briefings (in an effort to cut down on requests and interruptions) but can wait  
20 until immediately after if CMs remain committed to not commenting in chambers.

21 

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**From:** Elizalde, Mercedes  
**Sent:** Monday, April 10, 2017 10:08 AM PDT  
**To:** Swift, BrynDel  
**Subject:** RE: RELEASE: Council President Bruce Harrell's Statement

22 DJ said Dana contacted her over the weekend. Not sure if she got to see a draft or what that  
23 conversation was like though.  
24  
25  
26

<sup>2</sup> <http://www.seattlechannel.org/CouncilBriefings?videoid=x74053&Mode2=Video>

<sup>3</sup> *Id.*

1 As a result of those weekend conversations, Councilmember Harrell felt at liberty to speak on  
2 behalf of the entire council about remaining silent “conveying his colleagues’ perspectives...,”  
3 as delineated herein:  
4

5 

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**Sent:** Monday, April 10, 2017 2:22 PM PDT  
**To:** caseyjaywork@gmail.com  
**Subject:** statement

6  
7 Hey Casey, the statement was from Council President Harrell-only, but in that first paragraph where he’s  
8 speaking in the “we” sense, he was conveying all his colleagues’ perspectives, as is typical of Council  
9 leadership, that they wouldn’t be commenting at this time.

10  
11 Best,  
12 Dan

13 The issuance of this collective statement was an “action” taken in violation of the OPMA.  
14 These are precisely the types of deliberations that the electorate have a right to view. *See* RCW  
15 Chapter 42.30.  
16

17 Evidence proves that a quorum of the City Council secretly met and agreed not to  
18 remove Mayor Ed Murray. On July 17, 2017 at 9:08 a.m., Councilmember Gonzalez released  
19 a statement related to potentially removing Mayor Murray. At 9:30 a.m., the entire City Council  
20 hosted a 44-minute public meeting and loosely discussed Councilmember Gonzalez’s proposal  
21 regarding Ed Murray.<sup>4</sup> Council President Harrell stressed the need for transparency and open  
22 government during future deliberations.<sup>5</sup> At 9:53 a.m., Councilmember Bagshaw texted with  
23 Ed Murray’s chief of staff, Mike Fong, about Gonzalez’s statement:  
24  
25

26 <sup>4</sup><https://url.emailprotection.link/?aA88JfanF0f9CXT0Bh2xlluEnz-1by7eGa0oVO6JBh7XKTvTRCJyugak1ftJPDtVvdXHUSd0pA2eTAfWJCzPug~~>

<sup>5</sup> *Id.*

Mon, Jul 17, 9:53 AM

Can you confirm for me you don't intend to join CM Gonzalez position this morning? I just need to know to understand what we are facing on the second floor. Pressure will mount today if more CMs join Lorena. Much appreciated.  
- Fong

Lorena is grandstanding. Facts matter. Our responsibility is described in city charter article 5 section 10.

Welcome back btw.

Ha. Thanks. I have impeccable timing.

Evidence produced during discovery indicates that on July 17, 2017 as of 11:38 a.m., seven (7) members of the City Council privately agreed not to impeach Ed Murray:

### NEWS RELEASE

Council President Bruce Harrell  
Councilmember Sally Bagshaw  
Councilmember Tim Burgess  
Councilmember Lisa Herbold  
Councilmember Rob Johnson  
Councilmember Debora Juarez  
Councilmember Mike O'Brien

FOR IMMEDIATE RELEASE  
July 17, 2017

Contact:  
Dana Robinson Slote, Council Communications, 206-615-0061

At 12:29 p.m., Councilmember Bagshaw advised Chief of Staff Fong, that enough votes existed to keep the alleged pedophile in office as the Mayor of the great City of Seattle:

Mon, Jul 17, 12:29 PM

A response to Lorena is circulating. I think we will get 5 votes. I think you will like it.

Referring, in part, to the undersigned attorneys, Councilmember Bagshaw added:

PETITION FOR RECALL OF SEATTLE CITY COUNCIL-  
PRESIDENT BRUCE HARRELL - 6 of 18

**CONNELLY LAW OFFICES, PLLC**  
2301 North 30<sup>th</sup> Street  
Tacoma, WA 98403  
(253) 593-5100 Phone - (253) 593-0380 Fax

Shame on those who want a political witch hunt for their own political gain.

The number of signatory councilmembers was reduced to four (4) by the City Attorney's Office.

At 4:15 p.m., Councilmember Gonzalez continued the email debate among the entire counsel:

**From:** Gonzalez, Lorena  
**Sent:** Monday, July 17, 2017 4:15 PM  
**To:** LEG\_CouncilMembers <council@seattle.gov>  
**Subject:** My Press Statement: Additional Thoughts

Dear Colleagues:

As a follow-up to comments from some of you during today's Council Briefing, I wanted to take a moment to provide you with my additional thoughts. I remain committed to having one-on-one conversations with those of you who wish to speak directly to me about my statement. I am sincere in my intent and desire to having ongoing collaboration during this difficult time. I take great offense to CM Bagshaw's claim that I am "grandstanding" and would hope that the professional relationships that I believe to have on this floor don't devolve into unnecessary name-calling.

Shortly thereafter, at 4:36 p.m., Councilmember Tim Burgess edited the original statement:

**Re: New Statement**

**From:** "Burgess, Tim" <tim.burgess@seattle.gov>  
**To:** "Tang, Vinh" <vinh.tang@seattle.gov>, "Harrell, Bruce" <bruce.harrell@seattle.gov>, "Bagshaw, Sally" <sally.bagshaw@seattle.gov>  
**Date:** Mon, 17 Jul 2017 16:36:15 -0700  
**Attachment s:** 07172017 Statement V2drs TB edits (CS).docx (52.11 kB)

Here are my suggested changes.

I don't like the opening paragraph so I've deleted it. We shouldn't be making statements about judicial findings because that minimizes the administrative findings made in Oregon. And that's not the primary subject of our message; we are focused on what the Charter allows us to do.

I've also modified the Herbold language a bit to keep her intent but not to imply conclusions about the allegations against the Mayor.

**Councilmember Tim Burgess**  
[Seattle City Council](#)  
[Chair, Affordable Housing, Neighborhoods and Finance Committee](#)  
206-684-8806  
[tim.burgess@seattle.gov](mailto:tim.burgess@seattle.gov)

The statement was posted for public consumption at 4:51 p.m. that day:



## NEWS RELEASE

Council President Bruce Harrell  
Councilmember Sally Bagshaw  
Councilmember Lisa Herbold  
Councilmember Debora Juarez

FOR IMMEDIATE RELEASE  
July 17, 2017

Contact:  
Dana Robinson Slose, Council Communications, 206-615-0061

This evidence proves that a quorum of the City Council, Harrell, Bagshaw, Herbold, Juarez, and Burgess, had a secret meeting and agreement to save an alleged pedophile, Ed Murray, from impeachment.

The evidentiary disclosures surrounding the repeal of the head tax are ethically alarming. As previously noted, it is illegal for government officials to conduct campaign activities during work hours and/or using tax funded resources, including employees.<sup>6</sup> Newly discovered documents prove that Mayor Durkan's top staff use their Gmail accounts during work hours (to avoid transparency laws) to coordinate the political "spin" in collaboration with a campaign consultant, Sandeep Kaushik:

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<sup>6</sup> SMC 2.04.300 - Prohibition against use of public office facilities in campaigns.

No elected official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include but are not limited to use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the officer or agency; provided, that the foregoing provisions of this section shall not apply to the following activities:

A. Action taken at an open public meeting by the City Council to express a collective decision or to actually vote upon a motion, proposal, resolution, order or ordinance, or to support or oppose a ballot proposition so long as (1) any required notice of the meeting includes the title and number of the ballot proposition, and (2) members of the City Council or members of the public are afforded an approximate equal opportunity for the expression of an opposing view;

B. A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry; and

C. Activities that are part of the normal and regular conduct of the office or agency.





Stephanie Formas <stephanie.formas@gmail.com>

## Clips + Next Steps

1 message

Stephanie Formas <stephanie.formas@gmail.com>

Mon, Jun 11, 2018 at 3:55 PM

To: Kelly Evans <kelly@soundviewstrategies.biz>, Sandeep Kaushik <skaushik100@gmail.com>, Mike Fong <mikethefong@gmail.com>, Shefali Ranganathan <shf21@gmail.com>, David Moseley <dmoseleyseattle@gmail.com>

Good editorial

We can sign tomorrow after Council passes. And then we were thinking about doing a press availability. Thoughts?

And some notes below.

The *Seattle Times* reported that years before Ed Murray was elected, Mr. Kaushik assisted in forming a rebuttal a “spin” should Murray’s history of pedophilia ever go public:

*In late summer 2012, Murray, then a powerful state senator eyeing a run for Seattle mayor, organized a meeting at his home on Capitol Hill. Joining him were Reading and Sandeep Kaushik, another longtime political consultant and lobbyist.*

*They wrestled with a thorny problem: How would Murray deal with his former foster son’s abuse claims should they crop up publicly during a mayoral campaign?*

*For hours, they war-gamed potential questions from reporters. Murray offered forceful denials, noting Oregon authorities had declined to file criminal charges when Simpson first accused Murray of repeatedly raping him in the 1980s. He also referred to a stack of records he kept that impugned Simpson as a manipulative criminal.<sup>7</sup>*

Subsequently, Mr. Kaushik assisted Mayor Durkan get elected and he is now clandestinely puppeteering the City’s homelessness policies.

Councilmembers Gonzalez and Mosqueda similarly evade transparency and ethics laws by using Gmail to consult with tax paid staff and special interest representatives during the work hours:

<sup>7</sup> <https://www.seattletimes.com/seattle-news/times-watchdog/texts-and-emails-reveal-behind-the-scenes-battles-as-ed-murray-tried-to-save-his-career-as-seattle-mayor/>

M. Lorena Gonzalez <lorena206@gmail.com>

Thu, Jun 7, 2018 at 2:09 PM

To: Sejal Parikh <sejal432@gmail.com>

Cc: Teresa Mosqueda <mosqueda.tc@gmail.com>, Sage Wilson <sage@workingwa.org>, Christian Sinderman <csinderman@gmail.com>, Lindsey Grad <LindseyG@seiu1199nw.org>, Cody Reiter <codyreiter@gmail.com>, Adam Glickman <Adam.Glickman@seiu775.org>, Christian Sinderman <christian@nwpconsulting.com>, David Rolf <David.Rolf@seiu775.org>, Nicole Macri <nmacri@desc.org>, Samantha Grad <sgrad@ufcw21.org>, Sarah Chern <sarahc@ufcw21.org>, Zach Silk <zach@civic-ventures.com>

I hunk we need to schedule a call/meeting to be briefed on our polling results. ASAP.

M. Lorena González

Sent from my iPhone  
[Quoted text hidden]

Staff members from Councilmember Gonzalez's office, such as Legislative Assistant Cody Reiter, illegally conduct political campaign activities and consult special interests using Gmail accounts during the work hours.

In relation to the action specifically related to the repeal of the head tax, documents disclosed in response to the Court's Order on the prior motion to compel prove that the elected leaders were reacting in response to abysmal approval ratings:

June 9, 2018 at 6:00 PM

67-22 fave/unfave

43-50 fave/unfave Council

47-37 wrong track

206-257-3440 no pin needed OR

It is not disputed that each member of the City Council (other than Sawant) participated in a behind the scenes tally (and serial meeting) gauging support for the issuance of the press release dated June 11, 2018. The assorted councilmembers knowingly participated in the vote: "***On that same morning, Ms. Formas delivered a hard copy of the draft statement to Dana Robinson Slote, Director of Communications for the City Council, along with a request that Ms. Robinson Slote determine which Councilmembers would be willing to sign on the statement...Based on feedback received from Councilmembers or their aides, Ms. Robinson***

***Slote then reported back to Ms. Formas with the names of the Councilmember who willing***

PETITION FOR RECALL OF SEATTLE CITY COUNCIL-  
PRESIDENT BRUCE HARRELL - 10 of 18

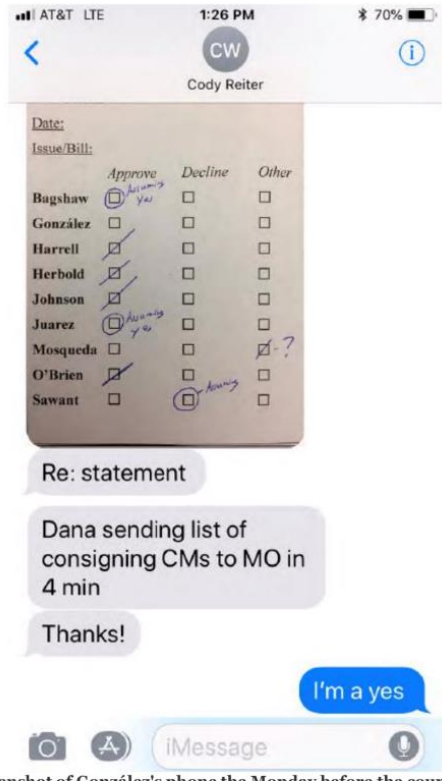
CONNELLY LAW OFFICES, PLLC

2301 North 30<sup>th</sup> Street

Tacoma, WA 98403

(253) 593-5100 Phone - (253) 593-0380 Fax

1 *to sign on....*” Many of the councilmembers voted by text message. Councilmember Gonzalez  
2 maintains secret tally sheets:



16 It is noteworthy that Councilmember Gonzalez takes so many secret votes, that her staff  
17 maintains Xerox tally sheets allowing four (4) secret votes to a page. The tallied statement  
18 reflects the collective views on the part of a quorum of the City Council:

19

20 **From:** Formas, Stephanie [mailto:Stephanie.Formas@SEATTLE.GOV]  
21 **Sent:** Monday, June 11, 2018 12:37 PM  
22 **To:** MOPRESS@TALK2.SEATTLE.GOV  
23 **Subject:** Statement by Mayor Durkan and Members of the Seattle City Council  
24 on the Future of the Business Tax to Address the Homelessness Crisis

25 **NEWS RELEASE**  
26 **FOR IMMEDIATE RELEASE:**

**Contact:**

Stephanie Formas, Mayor's Office, stephanie.formas@seattle.gov  
Dana Robinson Slote, Council Communications,  
Dana.RobinsonSlote@seattle.gov

**Statement by Mayor Durkan and Members of the Seattle City Council on the  
Future of the Business Tax to Address the Homelessness Crisis**

Seattle (June 11) - Seattle Mayor Jenny A. Durkan and members of the City Council including Council President Bruce A. Harrell, Councilmember Sally Bagshaw, Councilmember Lorena Gonzalez, Councilmember Lisa Herbold, Councilmember Rob Johnson, Councilmember Debora Juarez, and Councilmember Mike O'Brien released the following statement announcing the consideration of legislation to repeal a tax on large businesses to address the homelessness and housing crisis:

*"We know that there are strong passions and genuine policy differences between neighbors, businesses, community leaders, and people across our City on how to best address our housing and homelessness crisis. This crisis has been years in the making and there are no easy solutions. The crisis is tied to a range of complex causes, including lack of affordable housing, unmet mental health and substance abuse issues, and systemic racial disparities in our foster care, criminal justice and educational systems.*

*"In recent months, we worked with a range of businesses, community groups, advocates, and working families to enact a bill that struck the right balance between meaningful progress on our affordability and homelessness crisis while protecting good, family-wage jobs. Over the last few weeks, these conversations and much public dialogue has continued. It is clear that the ordinance will lead to a prolonged, expensive political fight over the next five months that will do nothing to tackle our urgent housing and homelessness crisis. These challenges can only be addressed together as a city, and as importantly, as a state and a region.*

***"We heard you.** This week, the City Council is moving forward with the consideration of legislation to repeal the current tax on large businesses to address the homelessness crisis.*

*"The City remains committed to building solutions that bring businesses, labor, philanthropy, neighborhoods and communities to the table. Now more than ever, we all must roll up our sleeves and tackle this crisis together. These shared solutions must include a continued focus on moving our most*

*vulnerable from the streets, providing needed services and on building more housing as quickly as possible. The state and region must be full partners and*

1 *contribute to the solutions, including working for progressive revenue sources.*  
2 *Seattle taxpayers cannot continue to shoulder the majority of costs, and*  
3 *impacts."*

4 The ultimate "final action" in the form of the official vote on June 12, 2018 matched the  
5 sentiment expressed in the press release.

## 6 **II. RECALL PROCEDURE**

7 The processes for a recall petition are set forth under RCW Chapter 29A.56. According  
8 to RCW 29A.56.110:

### 9 **Initiating proceedings—Statement—Contents—Verification—** 10 **Definitions.**

11 Whenever any legal voter of the state or of any political subdivision  
12 thereof, either individually or on behalf of an organization, desires to demand  
13 the recall and discharge of any elective public officer of the state or of such  
14 political subdivision, as the case may be, under the provisions of sections 33 and  
15 34 of Article 1 of the Constitution, the voter shall prepare a typewritten charge,  
16 reciting that such officer, naming him or her and giving the title of the office,  
17 has committed an act or acts of malfeasance, or an act or acts of misfeasance  
18 while in office, or has violated the oath of office, or has been guilty of any two  
19 or more of the acts specified in the Constitution as grounds for recall. The charge  
20 shall state the act or acts complained of in concise language, give a detailed  
21 description including the approximate date, location, and nature of each act  
22 complained of, be signed by the person or persons making the charge, give their  
23 respective post office addresses, and be verified under oath that the person or  
24 persons believe the charge or charges to be true and have knowledge of the  
25 alleged facts upon which the stated grounds for recall are based.

26 For the purposes of this chapter:

(1) "Misfeasance" or "malfeasance" in office means any wrongful  
conduct that affects, interrupts, or interferes with the performance of official  
duty;

(a) Additionally, "misfeasance" in office means the performance of a  
duty in an improper manner; and

(b) Additionally, "malfeasance" in office means the commission of an  
unlawful act;

(2) "Violation of the oath of office" means the neglect or knowing failure  
by an elective public officer to perform faithfully a duty imposed by law.

1 According to RCW 29A.56.120:

2 **Petition—Where filed.**

3 Any person making a charge shall file it with the elections officer whose duty it  
4 is to receive and file a declaration of candidacy for the office concerning the  
5 incumbent of which the recall is to be demanded. The officer with whom the  
6 charge is filed shall promptly (1) serve a copy of the charge upon the officer  
7 whose recall is demanded, and (2) certify and transmit the charge to the preparer  
8 of the ballot synopsis provided in RCW 29A.56.130. The manner of service  
9 shall be the same as for the commencement of a civil action in superior court.

8 According to RCW 29A.56.130:

9 **Ballot synopsis.**

10 (1) Within fifteen days after receiving a charge, the officer specified  
11 below shall formulate a ballot synopsis of the charge of not more than two  
12 hundred words.

12 \* \* \*

13 (b) If the recall is demanded of an elected public officer whose political  
14 jurisdiction lies wholly in one county, or if the recall is demanded of an elected  
15 public officer of a district whose jurisdiction encompasses more than one county  
16 but whose declaration of candidacy is filed with a county auditor in one of the  
17 counties, the prosecuting attorney of that county shall be the preparer, except  
18 that if the prosecuting attorney is the officer whose recall is demanded, the  
19 attorney general shall be the preparer.

20 (2) The synopsis shall set forth the name of the person charged, the title  
21 of the office, and a concise statement of the elements of the charge. Upon  
22 completion of the ballot synopsis, the preparer shall certify and transmit the  
23 exact language of the ballot synopsis to the persons filing the charge and the  
24 officer subject to recall. The preparer shall additionally certify and transmit the  
25 charges and the ballot synopsis to the superior court of the county in which the  
26 officer subject to recall resides and shall petition the superior court to approve  
the synopsis and to determine the sufficiency of the charges.

23 According to RCW 29A.56.140:

24 **Determination by superior court—Correction of ballot synopsis.**

25 Within fifteen days after receiving the petition, the superior court shall  
26 have conducted a hearing on and shall have determined, without cost to any  
party, (1) whether or not the acts stated in the charge satisfy the criteria for which  
a recall petition may be filed, and (2) the adequacy of the ballot synopsis. The

1 clerk of the superior court shall notify the person subject to recall and the person  
2 demanding recall of the hearing date. Both persons may appear with counsel.  
3 The court may hear arguments as to the sufficiency of the charges and the  
4 adequacy of the ballot synopsis. The court shall not consider the truth of the  
5 charges, but only their sufficiency. An appeal of a sufficiency decision shall be  
6 filed in the supreme court as specified by RCW 29A.56.270. The superior court  
shall correct any ballot synopsis it deems inadequate. Any decision regarding  
the ballot synopsis by the superior court is final. The court shall certify and  
transmit the ballot synopsis to the officer subject to recall, the person demanding  
the recall, and either the secretary of state or the county auditor, as appropriate.

7 According to RCW 29A.56.150:

8 **Filing supporting signatures—Time limitations.**

9 (1) The sponsors of a recall demanded of any public officer shall stop  
10 circulation of and file all petitions with the appropriate elections officer not less  
11 than six months before the next general election in which the officer whose recall  
is demanded is subject to reelection.

12 (2) The sponsors of a recall demanded of an officer elected to a statewide  
13 position shall have a maximum of two hundred seventy days, and the sponsors  
14 of a recall demanded of any other officer shall have a maximum of one hundred  
15 eighty days, in which to obtain and file supporting signatures after the issuance  
16 of a ballot synopsis by the superior court. If the decision of the superior court  
17 regarding the sufficiency of the charges is not appealed, the one hundred eighty  
18 or two hundred seventy day period for the circulation of signatures begins on the  
19 sixteenth day following the decision of the superior court. If the decision of the  
20 superior court regarding the sufficiency of the charges is appealed, the one  
hundred eighty or two hundred seventy day period for the circulation of  
signatures begins on the day following the issuance of the decision by the  
supreme court.

21 According to RCW 29A.56.180:

22 **Number of signatures required.**

23 When the person, committee, or organization demanding the recall of a  
24 public officer has secured sufficient signatures upon the recall petition the  
person, committee, or organization may submit the same to the officer with  
whom the charge was filed for filing in his or her office. The number of  
signatures required shall be as follows:

25 (1) In the case of a state officer, an officer of a city of the first class, a  
26 member of a school board in a city of the first class, or a county officer of a  
county with a population of forty thousand or more—signatures of legal voters  
equal to twenty-five percent of the total number of votes cast for all candidates



1 for the office to which the officer whose recall is demanded was elected at the  
2 preceding election.

3 \* \* \*

4 According to RCW 29A.56.210:

5 **Fixing date for recall election—Notice.**

6 If, at the conclusion of the verification and canvass, it is found that a  
7 petition for recall bears the required number of signatures of certified legal  
8 voters, the officer with whom the petition is filed shall promptly certify the  
9 petitions as sufficient and fix a date for the special election to determine whether  
10 or not the officer charged shall be recalled and discharged from office. The  
11 special election shall be held not less than forty-five nor more than ninety days  
12 from the certification and, whenever possible, on one of the dates provided in  
13 RCW 29A.04.330, but no recall election may be held between the date of the  
14 primary and the date of the general election in any calendar year. Notice shall  
15 be given in the manner as required by law for special elections in the state or in  
16 the political subdivision, as the case may be.

17 **III. PROPOSED BALLOT SYNOPSIS**

18 **WARNING**

19 Every person who signs this petition with any other than his or her true name, knowingly  
20 signs more than one of these petitions, signs this petition when he or she is not a legal voter, or  
21 makes any false statement on this petition may be punished by fine or imprisonment or both.

22 Petition for the recall of Seattle City Council President Bruce Harrell to the assigned  
23 department of the Honorable Timothy A. Bradshaw.

24 We, the undersigned citizens and legal voters of the City of Seattle respectfully direct  
25 that a special election be called to determine whether or not Seattle City Council President  
26 Bruce Harrell should be recalled and discharged from her office, for and on account of his  
having committed the act or acts of malfeasance or misfeasance while in office, and having  
violated her oath of office, as the case may be, in the following particulars in violation of the  
Open Public Meetings Act: (1) on July 17, 2017, intentionally participating in a secret meeting

1 and vote to keep Ed Murray in office, and (2) on June 11, 2018, intentionally participating in a  
2 meeting and vote in relation to the repeal of the head-tax; and each of us for himself or herself  
3 says: I have personally signed this petition; I am a legal voter of the State of Washington in the  
4 precinct and city (or town) and county written after my name, and my residence address is  
5 correctly stated, and to my knowledge, have signed this petition only once.  
6

#### 7 IV. ARGUMENT

8 Under Washington law, a deliberate violation of the Open Public Meetings Act can  
9 properly serve as the basis for a recall petition. *See In re Petition for Recall of Janet Anderson,*  
10 *et al*, 131 Wash. 2d 92, 929 P.2d 410 (1997) (analyzing viability of OPMA violations for a  
11 recall petition). In a recall petition, “The court shall not consider the truth of the charges, but  
12 only their sufficiency.” RCW 29A.56.150. Based upon the proposed ballot synopsis, and the  
13 process set forth under RCW Chapter 29A.56, this recall petition should be approved.  
14

#### 15 V. CONCLUSION

16 This petition is filed in accord with the process described herein. *See* RCW Chapter  
17 29A.56. Assuming that the petition is timely approved, and not appealed, the supporting  
18 signatures are due within 180 days thereafter. RCW 29A.56.150. According to King County  
19 elections, there were a total of 18,766 cast for City Council President Bruce Harrell’s seat,  
20 Position 2, in the November 2015 election.<sup>8</sup> By law 25% of the total votes cast, 4692 signatures,  
21 are necessary to place the recall on the ballot. RCW 29A.56.180. If the appropriate signatures  
22 are obtained, this recall petition should be placed on the general election ballot for consideration  
23 on November 5, 2019. The undersigned attorneys hereby verify under oath a belief that the  
24  
25

26 <sup>8</sup><https://kingcounty.gov/~media/depts/elections/results/2015/201511/results.ashx?la=en>

1 charges to be true and have knowledge of the alleged facts upon which the stated grounds for  
2 recall are based.

3  
4 DATED this 4<sup>th</sup> day of December, 2018.

5 CONNELLY LAW OFFICES, PLLC

6  
7 *Lincoln Beauregard*

8 By \_\_\_\_\_  
9 Lincoln C. Beauregard, WSBA No. 32878  
10 Julie A. Kays, WSBA No. 30385  
11 Attorneys for Petitioner  
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